

Jon Niermann, *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 22, 2019

Mr. Dan Cates, Plant Manager
San Miguel Electric Cooperative
P.O. Box 280
Jourdanton, Texas 78026

Re: TCEQ Acknowledgment of Receipt of Notification of Groundwater Exceedance above State Action Levels, dated March 12, 2019; *Directive to Perform Drinking Water Survey and Remediate Using the Texas Risk Reduction Program*; San Miguel Electric Cooperative Inc. facility located at 6200 FM3387, Christine (Atascosa County), Texas; TCEQ SWR No. 31434; EPA ID No. TXD088484852; Customer No. CN600132278; Regulated Entity No. RN100226539

Dear Mr. Cates:

The Texas Commission on Environmental Quality (TCEQ) has received the above referenced notification received by the Waste Permits Division on March 12, 2019, regarding the San Miguel Electric Cooperatives Inc. facility (Facility) located in Atascosa County. Please note the Waste Permits Division referred the above referenced notification to our office for response. The TCEQ understands San Miguel Electric Cooperative, Inc. (San Miguel) is performing groundwater monitoring at three (3) units managing coal combustion residuals (CCR) in response to the requirements of 40 CFR Part 257, Subpart D (the "CCR Rule"). The submittal provides initial notification of exceedance of a chemical of concern (COC) above state action levels in groundwater and supporting information documenting the performance of a preliminary water well survey within one-mile radius of the Facility. San Miguel proposes to address the release in accordance with the Texas Risk Reduction Program (TRRP) rule (Title 30, Texas Administrative Code (TAC) Chapter 350).

Drinking Water Survey Required

In order to comply with the requirements of Section 26.408(b) of the Texas Water Code, the TCEQ must notify all owners of private drinking water wells that may be affected by the groundwater contamination. Therefore, the TCEQ requests that you immediately conduct a drinking water survey in accordance with the enclosed TCEQ guidance document *Preparation of a Drinking Water Survey Report* (RG-428). Please note that the Remediation Division requires that the applicable groundwater conservation district be contacted to obtain information they may have on private drinking water wells within the search area. Information pertaining to the location of the well, well construction details, the well owner and users and other pertinent information provided by the groundwater conservation district must be included in a Drinking Water Survey Report (DWSR). Additionally, the report must document how and when the information was obtained.

Please include a copy of supporting laboratory analytical reports associated with the groundwater monitoring activities performed at the CCR units with the DWSR. The lab data should be accompanied with a data summary table, and a data usability summary (DUS) report. Please see *Review and Reporting of COC Concentration Data (TRRP-13)* for additional guidance. Submit the DWSR, supporting laboratory lab data and the DUS report to the TCEQ Remediation Division within 30 days of the date of this letter.

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Submit one paper copy and one electronic copy (on USB or disc) of the DWSR along with a completed "Drinking Water Survey Report Transmittal Form" and supporting laboratory data to the TCEQ Remediation Division, Corrective Action program at the letterhead address using mail code number MC-127. *Preparation of a Drinking Water Survey Report* (RG-428) can be found at https://www.tceq.texas.gov/remediation/twc26_408.html. An additional copy of the materials should be submitted in electronic format to the local TCEQ Region Office. The information in the reference block should be included in all submittals. Note that the electronic and hard copies should be identical, complete copies. A Correspondence ID Form (TCEQ Form 20428) must accompany each document submitted to the Remediation Division and should be affixed to the front of your submittal. The Correspondence ID Form helps ensure that your documents are identified correctly and are routed to the applicable program for a timely response.

TRRP Obligations

Please also note that State environmental obligations are initially triggered for groundwater based upon a direct comparison of data to the TRRP Tier 1 residential protective concentration levels (PCls) for groundwater ingestion. Refer to the Remediation Division guide, *Determining Which Releases are Subject to TRRP* available at <http://www.tceq.texas.gov/remediation/trrp/guidance.html>. San Miguel is required to 1) perform an affected property assessment of the release(s) according to the requirements of 30 TAC §350; and 2) submit a complete Affected Property Assessment Report (APAR) form (TCEQ-10325) to this office within 180 days of the date of this letter.

Upon completion of the affected property assessment activities, a response action must be developed in accordance with Subchapter B (relating to Remedy Standards) of TRRP. Reports documenting assessment and remediation activities for the release(s) should be submitted according to the time frames provided in 30 TAC §350.31(e) and (f). In accordance with 30 TAC §350.31(d), the TCEQ Central Office and the appropriate TCEQ Regional Office must be notified in writing at least 10 days prior to any confirmation sampling that is done to demonstrate that a response action is complete and a remedy standard has been attained.

Please note that it is the continuing obligation of persons associated with a site or facility to ensure that industrial solid waste and/or municipal hazardous waste are managed in such a way that it does not cause a discharge of waste or an imminent threat of discharge, nor a nuisance or an endangerment to either human health or the environment as required by 30 TAC §335.4. Be advised that the burden remains upon San Miguel to take necessary and authorized action to correct such conditions whenever they exist.

If you have any questions concerning this letter, please contact me at (512) 239-5051 or via e-mail at merrie.smith@tceq.texas.gov. The TCEQ will contact information of the project manager assigned to coordinate TRRP-related matters associated with the facility in the near future.

Sincerely,



Merrie Smith, P.G., Manager
VCP-CA Section
Remediation Division
Texas Commission on Environmental Quality

MS/ms

Enclosure: Preparation of a Drinking Water Survey Report (RG-428)

cc: Mr. Cameron Lopez, Waste Section Manager, TCEQ Region 13 Office, San Antonio